

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON THURSDAY, 22 NOVEMBER 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)
 Councillor Ehtasham Haque
 Councillor Mohammed Ahbab Hossain

Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Nicola Cadzow	– (Environmental Health Officer)
Damian Doherty	– (Environmental Health Enforcement Officer)
Corinne Holland	– (Licensing Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants

	Item Number	Role
Mr Matt Lewin	3.1	(Legal Representative)
Mr Mohammed Aziz	3.1	(Applicant)
Mr Ali Haydar Kayhan	3.3	(Applicant)
Ms Lyja Satir	3.3	(Applicant's Friend)

Representing objectors

	Item Number	Role
PC Mark Perry	3.1, 3.2, 3.3	(Metropolitan Police)
Nazir Ali	3.2	(Trading Standards)
Nicola Cadzow	3.1, 3.3	(Environmental Health Officer)
Damian Doherty	3.1, 3.2	(Environmental Health Enforcement Officer)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Yummy Pizza, 57 Burdett Road, London, E3 4TN

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Yummy Pizza, 57 Burdett Road, London E3 4TN. It was noted that objections had been received from the Licensing Authority, Police, Environmental Health and a local resident.

At the request of the Chair, Mr Matt Lewin, Legal Representative on behalf of the Applicant explained that it was a family run business, run by the Applicant and her husband, that they were a hard working couple, and also owned and managed Tops Pizza in West India Road, which has had a licence for one year now. Mr Lewin explained that there was a misunderstanding over the licence hours at the start, hence the one failed test purchase, since this the Applicant has applied for a licence and has been abiding by the law.

He stated that the Applicant acknowledged that the hours applied for, were too ambitious, and therefore proposed a reduction in the hours to 2am. He also referred Members to page 39 of the agenda and highlighted the conditions consistent with the operating schedule and said that CCTV cameras had already been installed and were in operation, notices were clearly displayed asking customers to leave quietly and respect the needs of local residents and had good lighting in and outside the premises.

Mr Lewin explained that Mr Mohammed Aziz had brought the business following the failed test purchase, there had been five more visits/checks where the premises has been closed and therefore complying with the operational hours. He referred to page 52 of the agenda and drew Members attention to other late night premises in the area. He then referred to the representation from the Police on page 59 and stated that the reported crimes listed around the local area occurred during the framework hours. He said that the Applicants and staff were experienced and with the conditions offered it was believed that they would not add to anti-social behaviour, crime and disorder or public nuisance in the area. It was noted that there were other premises trading for longer hours and there has been no specific complaints regarding the premises.

Members then heard from Damian Doherty, representing the Licensing Authority, he explained that the times applied for go beyond the framework hours and taking into account the location of the premises of which has high

anti-social behaviour levels it is believed the premises would become a hub for youth to hang around and cause anti-social behaviour. It was also noted that an afterhours sale was made at the premises and then said if Members were minded to grant a licence then conditions on page 55 should be considered.

Members also heard from Nicola Cadzow, Environmental Health Officer who stated that the proposed hours were beyond the Councils framework hours and that there would likely be public nuisance due to access and egress to and from the venue, especially due to patrons being in high spirits and there would be a likelihood of disturbance to residents at such noise sensitive hours.

Members lastly heard from PC Mark Perry, Metropolitan Police, he explained that the area already suffered from anti-social behaviour and if the premises were open late at night people would congregate outside and cause public nuisance and disturbance. He then suggested slightly longer hours than framework hours - Sunday to Wednesday 12 midnight and Thursday to Saturday till 1am. He also suggested that if they are successful and can demonstrate they can manage the premises well, then they can reapply for longer hours.

In response to questions the following was noted;

- That it was believed the conditions proposed by the Applicant would help prevent anti-social behaviour at the premises and promote the licensing objections.
- That the Applicant was experienced, and that there had been no complaints or concerns at the premises or with the other licensed premises they managed.
- That the premises overlooked Mile End Park where people often congregate and if these premises are open till late this would attract people to congregate inside/outside the premises and cause disturbance.
- That there were no specific concerns with the current operation of the premises.
- That the Applicants would be happy to accept the conditions proposed by licensing authority on page 55 of the agenda.
- That the hours Police had suggested could help the Applicants gain experience and help develop the business and once this is demonstrated they could then reapply for longer hours.

Members adjourned the meeting at 3.15pm for deliberations and reconvened at 3.30pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of

Licensing Policy and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them and considered the representation made by the Applicants Legal Representative at the meeting and also heard from representatives of the Licensing Authority, Metropolitan Police and Environmental Health with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

The Sub Committee welcomed the reduction in the hours offered by the Applicant and heard that the proposed conditions offered would help mitigate the concerns raised by the Responsible Authorities and promote the licensing objectives.

The Sub-Committee noted the representations made by the objectors regarding the impact of the premises on the local area, and the concerns relating to the existing levels of noise nuisance and anti-social behaviour. The Sub-Committee was mainly concerned about the impact of late licensing hours in an area where it would possibly attract a number of people into the area and that granting of the application would mean the premises would be one of two premises in the local vicinity that would be open until 2am. Therefore Members were of the view that the hours proposed by the Police (which was beyond the Council's framework hours) would be appropriate for a new premises licence as it would give them the ability to develop and demonstrate compliance with licensing hours and conditions.

The Sub-Committee were satisfied that the operating schedule together with the conditions and reduced hours set out below would mitigate any further negative impact in the area and address the concerns of public nuisance, particularly in the form of noise nuisance, and crime and disorder.

The Sub-Committee therefore granted the application in part with a reduction in the hours applied for and imposed conditions on the licence to support the licensing objectives of prevention of public nuisance and prevention of crime and disorder.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Yummy Pizza, 57 Burdett Road, London E3 4TN be **GRANTED in part with conditions.**

The hours for Provision of Late Night Refreshments

Sunday to Wednesday from 23:00 hours to 00:00 hours (midnight)

Thursday to Saturday from 23:00 hours to 01:00 hours (the following day)

The opening hours of the premises

Sunday to Wednesday from 11:00 hours to 00:00 hours (midnight)

Thursday to Saturday from 11:00 hours to 01:00 hours (the following day)

Conditions

1. No customers seated inside the premises after 23:00 hours
2. Takeaway only after 23:00 hours
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
4. Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate outside the premises.
5. Vehicles used for delivery must switch off their engines when waiting outside of the premises for the collection of food for delivery.
6. Drivers shall wait inside the premises between deliveries/for deliveries.
7. A notice shall be displayed by the front door stating the restaurant opening hours.
8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
9. No rubbish will be moved, removed or placed outside between the hours of 23:00 hours and 08:00 hours.
10. An incident log shall be kept at the premises and made available on request to an authorised officer or the Police.
11. Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority
12. The premises shall install and maintain a comprehensive CCTV system.

13. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

14. The CCTV system shall record continually while the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with the date and time stamping. Recordings shall be made available immediately upon the request of a Police Officer or an authorised Officer.

3.2 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU

A request for adjournment was received by the Applicant's solicitors on the day of the meeting, on the basis that the Applicant was unable to attend as he was recovering post-surgery.

Upon receiving evidence, the Sub Committee considered this request and granted the adjournment in order to allow for the Applicant to attend the next meeting date that is set.

Members requested that the application is rescheduled to the earliest available date.

3.3 Application for a Variation of a Premises Licence for Kays Local, 209 Roman Road, London E2 0QY

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, which detailed the application for a variation of the premises licence for Kays Local, 209 Roman Road, London E2 0QY. It was noted that objections had been received from the Police, Environmental Health and a local resident.

At the request of the Chair Ms Lyka Satir, a friend of the Applicant spoke on behalf of the Applicant and explained that the Applicant was seeking an application for longer hours for the sale of alcohol due to customer demand. She said that the Applicant was not aware of the anti-social behaviour in the area, as the Applicant has had no trouble with customers, no problems and no complaints. She said the premises already had a CCTV camera system installed and had 16 cameras altogether. There were two members of staff that were Personal Licence Holders and they always asked for ID when selling alcohol.

Members then heard from PC Mark Perry who referred to his statement in the agenda and made particular reference to a statement from PCSO John Murphy, the dedicated PCSO for Bethnal Green Safer Neighbourhood Team. He highlighted that there were problems in the local area, with youths gathering and congregating. Later hours would attract more people to area and cause more alcohol related anti-social behaviour and public nuisance. PC

Perry also stated that if longer hours were granted then the premises would become a magnet for youths to hang outside and congregate.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, she referred to her statement on page 241 of the agenda and highlighted her concerns of noise breakout from the venue affecting neighbouring residents and the likelihood of disturbance to residential properties during noise sensitive hours and therefore asked Members to refuse the application.

In response to questions the following was noted;

- That there had been no attempt to contact or meet with the Police or any other Responsible Authorities to discuss the application.
- That there were no other premises in the direct vicinity that had a licence for the hours applied for therefore the likelihood it would attract street drinkers, youth to congregate outside and cause anti-social behaviour and public nuisance.

Members adjourned the meeting at 4.10pm for deliberations and reconvened at 4.20pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them and considered the representation made by the Applicant's friend at the meeting and also heard from representatives of the Metropolitan Police and Environmental Health with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

Members noted the concerns raised by the Responsible Authorities and the fact that the premises were in an area that suffers from high levels of crime and anti-social behaviour and much of it linked to alcohol. Members also gave weight to the statement from PCSO John Murphy from the Safer Neighbourhood Team for Bethnal Green Ward which gave an insight of the high levels of ASB and public nuisance associated with that particular area.

Members were concerned that the Applicant was not aware of the current anti-social behaviour in the area and also concerned that he had made no attempt to consult with the Police in relation to the application.

The Applicant failed to demonstrate how he would manage the premises and his staff and how he would enforce conditions on a premises licence if it were to be granted and not to add to the negative impact already being experienced in the area. Members were also concerned over the Applicant's lack of the understanding of the licensing objectives.

The Sub Committee was therefore not satisfied with the application and were of the view that the Applicant failed to demonstrate that their application for a variation of a premises licence would not undermine any of the four licensing objectives in particular the prevention of public nuisance and crime and disorder

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a variation of a Premises Licence for Kays Local, 209 Roman Road, London E2 0QY be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee